

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	
ZACARIAS MOUSSAOUI)	
a/k/a "Shaqil,")	
a/k/a "Abu Khalid)	
al Sahrawi,")	
)	
Defendant.)	

ORDER

By an Order issued on April 26, 2002, the posting of publicly filed documents in this case on the court's web site was halted until the defendant provided his written consent to such posting. The defendant has now filed his written consent. Therefore it is hereby

ORDERED that all documents not filed under seal since April 25, 2002, be made available on the court's web site.

On the Consent Form, the defendant specifically requested that all of the pro se pleadings he has filed, which he did not file under seal, be posted on the web site without any modification. Although no modification of any kind has been made to any of the defendant's submissions, his counsel have filed a Motion to Reconsider the Order of April 26, 2002 Concerning the Filing of Pro Se Motions and to Place the Pro Se Filings Under Seal and Ex Parte ("Motion to Reconsider the April 26, 2002 Order"), in which they ask that all of defendant's pro se

pleadings be filed ex parte and under seal until the issue of defendant's competency to waive counsel is resolved to avoid unintended prejudice to the defense. They also request that the Court not rule on any of the defendant's pro se motions until the status of his representation is resolved.

Defendant's competence to waive counsel and proceed pro se has not been resolved. Moreover, our review of defendant's pleadings supports his counsel's concern that he may irreversibly prejudice potential defenses in his pro se submissions. For these reasons, the Motion to Reconsider the April 26, 2002 Order is GRANTED;¹ and it is hereby

ORDERED that until further order of the Court, all documents filed by the defendant pro se will be treated as filed ex parte and under seal, with copies going only to defense counsel of record and the defendant.

The United States Marshal has advised us of a complaint by the defendant about the way in which his communications with the Court are being handled. Because the defendant does not have access to envelopes or postage, and has rejected any assistance from counsel, his only means of sending a document to the Court

¹ Defense counsel's request that all rulings on the defendant's pro se submissions be deferred is also GRANTED, subject to the caveat that if the Court determines that a pleading raises a time-sensitive issue relating to the defendant's well-being or other critical condition, it will exercise its discretion to either invite all counsel to be heard on the issue or rule sua sponte.

is by handing it to an Alexandria City Adult Detention Center staff member, who forwards it to a deputy United States Marshal for delivery to the Court.

All documents delivered to the courthouse are subject to a standard screening process. Such screening in no way invades any privilege because a party submitting a document to the Court does not enjoy an attorney-client privilege with the Court. Indeed, as we have previously explained to the defendant, any document filed in a criminal case is open to inspection by any member of the public, including attorneys and members of the media, unless the filing is under seal. To ensure that there is no misunderstanding as to how the defendant's pro se submissions are to be handled, it is hereby

ORDERED that the United States Marshal is empowered to receive from officials at the Alexandria City Adult Detention Center any properly screened documents which the defendant wishes to file pro se in this case; and also deliver to the defendant, via the appropriate Alexandria City Adult Detention Center officials, any communications from the Court;² and it is further

ORDERED that the Alexandria City Adult Detention Center officials assist the United States Marshal and the Court in this

² Neither representatives of the United States Marshals Service nor officials at the Alexandria City Adult Detention Center are to reveal the contents of defendant's documents should they observe them because they have been deemed by the Court to be ex parte and under seal until further order of the Court.

exchange of defendant's documents and court orders.

The Clerk is directed to forward copies of this Order to the defendant, counsel of record, the United States Marshal, Sheriff Dunning, and the Court Security Officer.

Entered this 2nd day of May, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia